

## STATEMENT OF JURISDICTION

Jurisdiction of this Court derives from 8 U.S.C. §1252(b)(2), in that this Petitioner seeks review of a final order of removal issued by an Immigration Judge (IJ) sitting in the Sixth Judicial Circuit. Previously, jurisdiction in the Executive Office for Immigration Review (EOIR) over Mr. BALDE's removal hearing commenced with the filing of a charging document with the Office of the IJ, pursuant to 8 C.F.R §1003.14(a). An Order of Removal was issued by the IJ on June 9, 2003. Mr. BALDE filed a timely Notice of Appeal with the Board of Immigration Appeals ("BIA" or "the Board") pursuant to 8 C.F.R §1003.38. The BIA, on May 26, 2004, affirmed without opinion the decision below, pursuant to 8 C.F.R. § 1003.1(e)(4). The Petitioner then filed a timely Petition for Review with this Court, along with a Motion to Stay the Order of Removal pending disposition of this petition.

## STATEMENT OF THE ISSUES

1. Did the IJ present specific and cogent reasons for his negative credibility assessment of the Petitioner?
2. Were the IJ's findings of fact viz. the Petitioner's claim based upon substantial evidence, as defined by this Court in *Klawitter v. INS*, 970 F.2d 149 (6th Cir. 1992)?

because of party political activities and I suffered repeated interrogations, brutal beatings, torture and maltreatment." A.R. 494; JA\_\_\_\_. During a demonstration on April 2, 1991, Petitioner was arrested along with other demonstrators and released on July 3, 1991, after "very brutal interrogation session, which occurred repeatedly and included beatings and tortures . . ." A.R. 495; J.A.\_\_\_\_. In addition, on July 13, 1991, while on a pilgrimage to the church of St. Anthony in the city of Laci, he notes, "the police stopped me in the city of Milot, pretending that I was speeding while driving the car. They hand-cuffed me and they pushed me on the ground where they brutally beat me and kicked me until 4 A.M. of 14 July, 1991." A.R. 496; JA\_\_\_\_.

Petitioner also indicated that "the Social-democratic Union party elected me as a potential candidate for Nr. 18 electoral zone in the city of Lezhe. Because of my intense political activity and because of my powerful writing, the persecution of me and my family, from the state kept growing." Id.; JA\_\_\_\_.

On March 3, 1995, Petitioner appeared on television and criticized the Muslim community "for the pressure they were putting to the government." A.R. 496; JA\_\_\_\_. That night two armed masked men came to his house, took some money, some of his writings and told him never to criticize the Muslim community again or he will be killed. Id. On the night of May 10, 1996, Petitioner was again